IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

CRP.No. 1436 OF 2003()

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AGAINST THE ORDER IN EP.47/98 IN
LAR.147/1981 OF SUB COURT,THODUPUZHA

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REVN. PETITIONER: JUDGMENT DEBTOR

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STATE OF KERALA.

BY GOVERNMENT PLEADER SRI. RAVEENDRA BABU.

RESPONDENTS: DECREE HOLDER

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AYYAPPAN PILLAI KRISHNA PILLAI,
KANDATHILPAMBIL HOUSE, SANKARAPILLY KARA,
MUTTOM.

BY ADV. SRI.K.K.CHANDRAN PILLAI
SRI.BENBY GERVACIS

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 15.2.2007, THE COURT ON THE SAME DAY, PASSED THE FOLLOWING:

**C.R.P. 1436/2003**

**ORDER ON I,.A. NO. 656/2003 IN C.R.P. 1436/2003**

**// DISMISSED//**

**15TH FEBRUARY, 2007.** **SD/-**

**P.R. RAMAN, JUDGE.**

**// TRUE COPY //**

**P.S. TO JUDGE.**

**knc/-**

P.R. RAMAN, J.

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C.R.P. NO. 1436 OF 2003

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DATED THIS, THE 15TH DAY OF FEBRUARY, 2007

O R D E R

What is challenged in this revision petition is an order passed by the Sub Court, Thodupuzha, in E.P. 47/1998 in L.A.R. 147/1981 dated 10.4.2003, by which the execution court ordered to sell the property of an extent of 5 cents for an upset price fixed at Rs. 65,000/- for realization of the balance due and payable to the decree holder towards the award amount in a land acquisition matter. Though the sale as taken place and confirmed was stayed by this Court, the property was purchased by the decree holder himself.

2. Heard both sides. It is contended by the State that a valuable property worth lakhs of rupees has been sold for a meager amount of Rs. 65,000/- for realization of the amount due to the decree holder. The sale of the entire extent of five cents, in such circumstances, is contended to be excessive. Being a property belonging to the State, the respondent/decree holder cannot take undue advantage of purchasing the entire extent of 5

cents for such a meager amount. At the same time, the decree holder is also entitled for whatever balance amount due and payable as per the decree.

3. Considering all the aspects of the matter, it is ordered that if the State deposits an amount of Rs. 65,000/- (sixty five thousand) within a period of one month from today, the sale will stand set aside. In default, it is open to the court below to confirm the sale. If there is any dispute regarding the amount payable by the judgment debtor State towards the decree, it is open to the parties to approach the execution court.

The civil revision petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

knc/-

P.R. RAMAN, J.
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C.R.P.. 1436/2003

O R D E R

15TH FEBRUARY, 2007.